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February 12, 2008

BY ECF

Honorable Leonard B. Sand
United States District Judge
Southern District of New York
500 Pearl Street, Room 1650
New York, New York 10007

Re: United States v. Payano
07 Cr. 1168 (LBS)

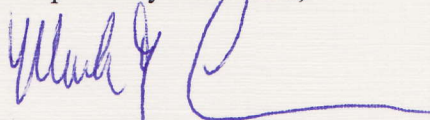
Dear Judge Sand:

The parties last appeared before Your Honor for a status conference on January 7, 2008. At that time, Your Honor ordered that the defense advise whether the defense intends to file pre-trial motions in the above-referenced matter by February 28, 2008.

Since our last conference, the parties have been involved in plea negotiations that we foresee continuing beyond the February 28, 2008 notification date. Because the parties are seeking to resolve the matter without litigation, the defense does not intend now to file pre-trial motions. Should our position change, I will immediately notify Your Honor.

I look forward to appearing before Your Honor for our next status conference on March 13, 2008, at 10:30 am, to update Your Honor on the status of the case.

Respectfully submitted,



Mark I. Cohen, Esq.

MIC: md
cc: AUSA Parvin Moyne
Mr. Franklin Payano